

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

08 Cr 0076 (JWB)

JOSEPH AGATE, ANTHONY DELVESCOVO *et. al*,

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New York, New York

**ANTHONY DELVESCOVO**, being duly sworn hereby states under penalties of perjury that the following information is true:

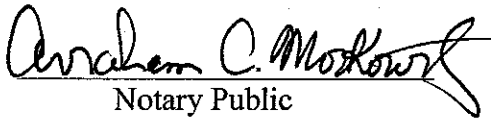
1. My name is Anthony Delvescovo and I am a defendant in the above captioned case.
2. This affidavit is submitted in support of my motion to suppress evidence.
3. On or about February 28, 2008 I arrived at a work site at 30<sup>th</sup> Street and 10<sup>th</sup> Avenue in Manhattan.
4. When I arrived federal agents were already present and executing a federal search warrant.
5. I identified myself by name and showed the agents my identification.
6. I was not told I was under arrest.
7. I was taken into a separate room within a trailer at the work site. At a later point, when I wanted to leave the room to get a drink of water, I was told that I could not do so.
8. Once inside the room, the agents questioned me without advising me of my *Miranda* warnings.
9. During the questioning, my telephone rang and I was not permitted to answer the call.
10. The agents continued to question me.
11. Later on in the questioning, I received another call and answered it. The phone call was from one of my superiors, who informed me that he had heard that I had been indicted.
12. I asked one agent if I was under arrest and received no response. Another agent returned and asked more questions. I told the agent that I wanted to speak to an attorney. Having learned I was now aware of the charge, he again asked me questions and subsequently, advised me that I was under arrest. Only then was I finally advised of my *Miranda* rights.

13. All of the questioning took place before I was finally told I was under arrest and that I could not leave.

Dated: June 27, 2008

  
Anthony Delvescovo

Sworn to before me this  
27<sup>th</sup> day of June, 2008.

  
Notary Public

Avraham C. Moskowitz  
Notary Public, State of New York  
No. 02MO6134521  
Qualified in Nassau County  
Commission Expires October 3, 2009